

GIBSON, DUNN & CRUTCHER LLP
JOEL S. SANDERS, SBN 107234,
JSanders@gibsondunn.com
RACHEL S. BRASS, SBN 219301,
RBrass@gibsondunn.com
JORDAN HELLER, SBN 250491,
JHeller@gibsondunn.com
555 Mission Street, Suite 3000
San Francisco, California 94105-2933
Telephone: 415.393.8200
Facsimile: 415.393.8306

Attorneys for Defendant
CHUNGHWA PICTURE TUBES, LTD.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

This Document Relates to:

ALL ACTIONS

CASE NO. 3:07-CV-5944 SC

MDL NO. 1917

**[PROPOSED] ORDER GRANTING
DEFENDANTS' ADMINISTRATIVE
MOTION TO FILE CONFIDENTIAL
DOCUMENTS UNDER SEAL**

Defendants Panasonic Corporation of North America, Panasonic Corporation, and MT Picture Display Co., Ltd.'s ("Panasonic Defendants") Administrative Motion to File Confidential Documents Under Seal (the "Administrative Motion") (Dkt. No. 889), came before this Court for determination in connection with the Panasonic Defendants' April 14, 2011 Motion for Sanctions Pursuant to Rule 11. That motion was joined by Chunghwa Picture Tubes, Ltd. on April 14, 2011 ("Chunghwa Joinder"). After consideration of the Administrative Motion, the Chunghwa Joinder, the Declaration of Jordan Heller in Support of Administrative Motion to File Confidential Documents Under Seal, the Declaration of Morgan Tai in Support of Administrative Motion to File Confidential Documents Under Seal, the Court's previously entered Stipulated Protective Order of June 18, 2008 (Dkt. No. 306), and the Court's files and records in this matter, and good cause appearing therefor,

IT IS HEREBY ORDERED that the Motion is hereby GRANTED. The Panasonic Defendants brought this Administrative Motion pursuant to Civil Local Rules 7-11 and 79-5(d). The Panasonic Defendants sought to file under seal Exhibits G through P of the Declaration of Jeffrey Kessler in Support of Defendants' Motion for Sanctions Pursuant to Rule 11 ("Kessler Declaration"), because these documents were designated as "Confidential" by Chunghwa. They further requested that Exhibits A, C, E, and F of the Kessler Declaration be redacted according to the narrowly tailored versions lodged with the Court, in order to protect information contained therein designated as "Confidential" by Chunghwa.

The documents at issue have not been filed in connection with a case-dispositive motion, but rather pursuant to a sanctions motion. Therefore, the Court need only find "good cause" to keep the documents under seal. *Kamakana v. City of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006). Chunghwa designated as "Confidential" the documents appearing as Exhibits G through P of the Kessler Declaration, and quoted and summarized in Exhibits A, C, E, and F of the Kessler Declaration, because they are internal reports consisting of confidential, nonpublic, proprietary and highly sensitive business information. Disclosure of this information threatens to put Chunghwa at a competitive disadvantage and cause it harm with respect to its competitors and customers. Good cause therefore exists to keep Exhibits G through P to the Kessler Declaration under seal, and to

redact Exhibits A, C, E, and F of the Kessler Declaration. Accordingly, the following documents shall remain under seal:

- Chunghwa document CHU00029238-40, report and analysis of meeting of April 14, 1999, as well as Chunghwa's English translation, attached to the Kessler Declaration as Exhibit G;
- Chunghwa document CHU00030787-94, report and analysis of meeting of June 23, 1999, as well as Chunghwa's English translation, attached to the Kessler Declaration as Exhibit H;
- Chunghwa document CHU00028933-45, report and analysis of meeting of May 29, 1995, as well as Chunghwa's English translation, attached to the Kessler Declaration as Exhibit I;
- Chunghwa document CHU00028909-11, report and analysis of meeting of October 24, 1996, as well as Chunghwa's English translation, attached to the Kessler Declaration as Exhibit J;
- Chunghwa document CHU00028749-51, report and analysis of meeting of March 19, 1997, as well as Chunghwa's English translation, attached to the Kessler Declaration as Exhibit K;
- Chunghwa document CHU00031013-14, report and analysis of meeting of June 28, 2000, as well as Chunghwa's English translation, attached to the Kessler Declaration as Exhibit L;
- Chunghwa document CHU00031051-55, report and analysis of meeting of September 21, 2000, as well as Chunghwa's English translation, attached to the Kessler Declaration as Exhibit M;
- Chunghwa document CHU00031183-85, report and analysis of meeting of February 22, 2002, as well as Chunghwa's English translation, attached to the Kessler Declaration as Exhibit N;

- Chunghwa document CHU00031240-47, report and analysis of meeting of March 25-27, as well as Chunghwa's English translation, attached to the Kessler Declaration as Exhibit O;
- Chunghwa document CHU00031254, report and analysis of meeting of July 2, 2004, as well as Chunghwa's English translation, attached to the Kessler Declaration as Exhibit P.

Furthermore, the following Exhibits to the Kessler Declaration shall be redacted at the identified page and line numbers:

- Exhibit A: 41:17-24; 42:2-21; 43:1-22, 24-26; 44:1-15, 17-21, 23-28; 45:1-3, 5-20, 23-25; 46:1-3, 8-9, 11-13, 25-28; 47:1-8, 15-22, 24-28; 48:1-5, 8-11, 14-24, 25-28; 49:1-3, 5-10, 12-14, 17-28; 50:1-5, 9-11, 15-16, 18-23; 51:2-5, 7-9.
- Exhibit C: 41:20-16; 42:2-21; 43:1-22, 24-26; 44:1-15, 17-21, 23-27; 45:1-3, 5-17, 21-23; 46:1-3, 8-9, 11-13, 20-23, 26-27; 47:1-10, 18-25; 48:1-10, 14-17, 20-28; 49:1-3, 4-18, 20-22, 25-27; 50:1-13, 17-20, 23-25, 26-27; 51:1-3, 10-14, 16-17.
- Exhibit E: 8:8-16, 18-26; 9:3-6, 8-14, 16-18, 20-26; 10:1-12, 16-19, 22-24, 25-27; 11:1-2, 9-12, 16-18, 21-24; 12:1-6, 9-12, 14-22, 24-27; 13:1-2, 4-8; 14: 4-7, 11-15, 20-23; 16:16-21; 18:4-7; 22:12-20, 22-28; 23:1-3, 6-9, 11-16, 18-20, 22-27; 24:1-14, 18-21, 25-27; 25:1-6, 13-15, 19-21, 24-27; 26:3-9, 12-15, 17-24, 27-28; 27:1-4; 7-11.
- Exhibit F: 8:3-11, 13-22, 26-28; 9:1, 3-10, 12-14, 16-27; 10:1-7, 11-14, 18-20, 21-25; 11:5-8, 12-14, 18-21, 26-28; 12:1-4, 8-11, 14-21, 24-28; 13:1, 4-8; 14:5-8, 12-16, 21-24; 16:17-22; 18:4-7; 21:25-28; 22:1-6, 7-16, 20-22, 24-28; 23:1-3, 5-7, 9-27; 24: 4-7, 11-13, 14-19, 26-27; 25:1-2, 5-7, 17-22, 26-27; 26:1-2, 4-12, 14-19, 21-25.

IT IS SO ORDERED.

DATED: _____, 2011

The Honorable Samuel Conti
United States District Judge